

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONNIE S. MARTIN,	)	No. C 07-4020 JF (PR)
	)	
Plaintiff,	)	ORDER OF DISMISSAL
	)	
vs.	)	
	)	
KENNETH PONDER, et al.,	)	
	)	
Defendants.	)	
_____	)	(Docket No. 3)

Plaintiff, a state prisoner proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 against Salinas Valley State Prison medical personnel on August 6, 2007. Plaintiff filed an earlier civil rights action against the same Defendants raising the same claims in case no. C 07-1848 JF (PR) on April 3, 2007. Because the instant complaint contains the same claims against the same Defendants as in Plaintiff's pending civil rights action, the instant case is DISMISSED without prejudice. Plaintiff's motion to proceed in forma pauperis (docket no. 3) is DENIED as moot. The Clerk shall terminate any pending motions and close the file.

IT IS SO ORDERED.

DATED: 10/5/07

  
 JEREMY FOGEL  
 United States District Judge

1 A copy of this ruling was mailed to the following:

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3 Ronnie S. Martin  
4 T-64750  
5 Salinas Valley State Prison  
6 P.O. Box 1050  
7 Soledad, CA 93960-1050  
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